

107TH CONGRESS
2D SESSION

H. R. 5489

To establish the Great Plains Historic Grasslands Wilderness Area, and
for other purposes.

IN THE HOUSE OF REPRESENTATIVES

SEPTEMBER 26, 2002

Mr. PALLONE introduced the following bill; which was referred to the
Committee on Resources

A BILL

To establish the Great Plains Historic Grasslands Wilderness
Area, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Great Plains Grass-
5 lands Wilderness Act”.

6 **SEC. 2. FINDINGS AND PURPOSE.**

7 (a) FINDINGS.—Congress finds the following:

8 (1) The areas known as the Buffalo Gap Na-
9 tional Grasslands, the Fort Pierre National Grass-
10 lands, and the Grand River National Grasslands, all

1 noncontiguous areas comprising 1.74 percent of the
2 total square miles of South Dakota, the Cedar River
3 National Grasslands, the Sheyenne National Grass-
4 lands, and the Little Missouri Grasslands, all non-
5 contiguous areas comprising only 2.3 percent of the
6 total square miles of North Dakota, and the Thun-
7 der Basin National Grasslands, comprising 1 percent
8 of the total acreage of Wyoming should be protected
9 and enhanced for the benefit and enjoyment of
10 present and future generations. These areas con-
11 tain—

12 (A) the last living species of an irreplace-
13 able North American prairie ecosystem;

14 (B) historic sites of the last large Native
15 American confrontations with settlers in the
16 American Western expansion period;

17 (C) invaluable paleontological specimens;
18 and

19 (D) unique geological structures found no
20 where else on the North American continent.

21 (2) The Great Plains Historic National Grass-
22 lands were once a part of the home of the largest
23 Native American nation in the area, the Great Sioux
24 Nation, or the Oceti Sakowin (the Seven Council
25 Fires), the Lakota, Dakota, and Nakota people, who

1 inhabited this area for tens of thousands of years.
2 Many other smaller tribes also inhabited the area in-
3 cluding the Mandan, the Hidatsa, and the Arikara.
4 According to maps of the United States Geological
5 Survey, the Lakota, Dakota, and Nakota people
6 once inhabited fourteen States and three Canadian
7 provinces living in a symbiotic relationship with the
8 tremendous bison herds that covered the North
9 American continent.

10 (3) Grasslands provide habitat for wildlife, in-
11 cluding critical habitat for threatened and endan-
12 gered species.

13 (4) The last remaining grasslands in North Da-
14 kota, South Dakota, and Wyoming still show in
15 many places, the historic ecological environment
16 upon which the Lakota, Dakota, and Nakota people
17 thrived for millennia. Coincidentally, these National
18 Grasslands are also located near to or on the Res-
19 ervations upon which the remaining Lakota, Dakota,
20 and Nakota people now live.

21 (5) The Buffalo Gap National Grassland in
22 South Dakota, comprising 589,000 acres, contains
23 the last pristine, untilled prairie area in the United
24 States and some of the most unique geological and
25 paleontological places on the continent. Complete

1 vertebrate and invertebrate fossils can be found in
2 this area which was once the bottom of an inland
3 sea. Mixed grass vegetation provide for many wildlife
4 species including pronghorn antelope, mule and
5 white-tailed deer, prairie dogs, golden eagles, and
6 mountain lions. It borders the north and west
7 boundaries of the Pine Ridge Indian Reservation.

8 (6) The Fort Pierre National Grassland covers
9 116,000 acres of classic rolling prairie of waving
10 grasses and is located south of Pierre, South Da-
11 kota, north of Interstate 90, and west of the Lower
12 Brule Indian Reservation. Antelope, deer, prairie
13 chicken, sharp-tailed grouse and waterfowl can be
14 found here. Some of this area was pictured in the
15 movie, “Dances With Wolves”.

16 (7) The Grand River National Grassland is
17 comprised of mixed grass rolling prairie on 154,200
18 acres located west and partially on the Standing
19 Rock Indian Reservation and also on the Cheyenne
20 River Indian Reservation. Pronghorn antelope, mule
21 and white-tailed deer thrive in the solitude of this
22 area.

23 (8) The Cedar River National Grassland is
24 6,800 acres of mixed grass prairie on rolling hills
25 with streams and dry gullies located within the

1 Standing Rock Indian Reservation. In 1883, the last
2 large buffalo hunt was held near this area and many
3 places were and still are used for cultural cere-
4 monies.

5 (9) The Sheyenne National Grasslands in North
6 Dakota contains the last tall grass prairie area in
7 the United States including the western prairie
8 fringed orchid, an endangered species. Several but-
9 terfly species found in this area also appear to be
10 declining in population. The approximately 70,300
11 acres contain natural sandy blow-outs intermingled
12 with oak savanna and river woodlands visited occa-
13 sionally by moose, although the entire area is sur-
14 rounded by intense farming. Located in southeastern
15 North Dakota, the Sheyenne National Grasslands lie
16 north of the Sisseton-Wahpeton Indian Reservation.

17 (10) The Little Missouri National Grasslands in
18 North Dakota is the largest of the grasslands com-
19 prising more than 1,000,000 acres. This is the his-
20 toric area visited by President Theodore Roosevelt.
21 The panorama of the vast expanses of badlands and
22 the winding Little Missouri River can be seen while
23 bison graze along the banks. Bighorn sheep walk
24 along rocky outcrops as eagles and falcons keep the
25 prairie dog populations in balance. Remote roadless

1 areas provide opportunities for extensive hiking and
2 camping. Cedar trees stunted by the harsh climate
3 grow in long winding canyons and help provide cover
4 for antelope and deer. The Little Missouri National
5 Grasslands lie to the southwest of the Fort Berthold
6 Indian Reservation, where live the descendants of
7 three tribes, the Mandan, Hidatsa, and Arikara who
8 once lived along the Missouri River.

9 (11) The Thunder Basin National Grassland in
10 Wyoming is approximately 553,300 acres and is
11 well-known in history for the conflicts between the
12 Lakota people, led by Red Cloud, and the United
13 States cavalry. The classic sagebrush grassland can
14 be found in this area with cottonwood trees,
15 greasewood, ponderosa pine and lowgrowing juniper
16 bushes interspersed in canyons, and around narrow
17 intermittent streams. Pronghorn antelope, prairie
18 elk, and prairie dogs survive on the mixed-grass
19 grasslands and shale upland landscapes.

20 (b) PURPOSE.—The purpose of this Act is to con-
21 serve, protect, restore, and enhance for the benefit and
22 enjoyment of present and future generations the unique,
23 historic, and nationally important values of the public
24 lands depicted on the Map, including geological, cultural,
25 historic, paleontological, natural, scientific, recreational,

1 environmental, biological, wilderness, wildlife education,
2 and scenic resources of such public lands, by establishing
3 the Great Plains Historic Grassland Wilderness Area in
4 the States of North Dakota, South Dakota, and Wyoming.

5 **SEC. 3. DEFINITIONS.**

6 In this Act:

7 (1) DIRECTOR.—The term “Director” means
8 the Director of Native American Wilderness Man-
9 agement.

10 (2) MAP.—The term “Map” means the map
11 prepared pursuant to section 6.

12 (3) SECRETARY.—The term “Secretary” means
13 the Secretary of Agriculture, acting through the
14 Chief of the Forest Service.

15 (4) WILDERNESS AREA.—The term “Wilderness
16 Area” means the Great Plains Historic Grassland
17 Wilderness Area established under section 4.

18 **SEC. 4. GREAT PLAINS HISTORIC GRASSLAND WILDERNESS**
19 **DESIGNATION.**

20 (a) IN GENERAL.—There is established the Great
21 Plains Historic Grassland Wilderness Area in the States
22 of North Dakota, South Dakota, and Wyoming.

23 (b) AREAS INCLUDED.—The Wilderness Area shall
24 consist of all Federal lands within the Buffalo Gap Na-
25 tional Grasslands, the Fort Pierre National Grasslands,

1 and the Grand River National Grasslands in South Da-
2 kota, the Cedar River National Grasslands, the Sheyenne
3 National Grasslands, and the Little Missouri Grasslands
4 in North Dakota, and the Thunder Basin National Grass-
5 lands in Wyoming.

6 **SEC. 5. MANAGEMENT.**

7 (a) WILDERNESS AREA.—Except as otherwise pro-
8 vided in this subsection, the Wilderness Area shall be ad-
9 ministered by the Secretary. The federally recognized In-
10 dian tribe located on the Indian reservation nearest to a
11 specific grassland may, upon request of such Indian tribe,
12 assist in the management of the Wilderness Area under
13 the direction of the Director. Grasslands located within
14 the boundaries of an Indian reservation shall be under the
15 total control of the Indian tribe of that reservation as a
16 wilderness area only.

17 (b) USES.—The Secretary shall allow only such uses
18 of the Wilderness Area as the Secretary determines will
19 further the purposes for which the Wilderness Area is es-
20 tablished.

21 (c) WITHDRAWALS.—

22 (1) IN GENERAL.—Subject to valid existing
23 rights, including existing treaty rights with Native
24 American tribes, all Federal lands within the Wilder-
25 ness Area are withdrawn from—

1 (A) all forms of entry, appropriation, or
2 disposal under the public land laws;

3 (B) location, entry, and patent under the
4 mining laws; and

5 (C) the operation of the mineral leasing,
6 mineral materials, and geothermal leasing laws,
7 and all amendments thereto.

8 (2) STATUTORY CONSTRUCTION.—Nothing in
9 this subsection shall be construed to affect discre-
10 tionary authority of the Secretary under other Fed-
11 eral laws to grant, issue, or renew rights-of-way or
12 other land use authorizations consistent with other
13 provisions of this Act.

14 (d) MOTORIZED VEHICLE USE.—Except as needed
15 for administrative and emergency response purposes, use
16 of motorized vehicles in the Wilderness Area shall not be
17 allowed.

18 (e) HUNTING AND FISHING.—

19 (1) IN GENERAL.—Hunting and fishing shall be
20 allowed within the Wilderness Area in accordance
21 with applicable laws.

22 (2) AREA AND TIME CLOSURES.—After coordi-
23 nation with tribal and State officials responsible for
24 hunting and fishing regulations, the Secretary shall
25 issue regulations designating zones where, and es-

1 tablishing limited periods when, hunting or fishing
2 shall be prohibited in the Wilderness Area for rea-
3 sons of public safety, public use and enjoyment, or
4 as provided in this Act.

5 (f) WILDLIFE MANAGEMENT.—

6 (1) IN GENERAL.—In furtherance of the pur-
7 poses and principles of the Wilderness Act, the Sec-
8 retary shall carry out management activities within
9 the Wilderness Area to maintain or restore fish and
10 wildlife populations, and the habitats to support
11 such populations, by not later than 2 years after the
12 date of the enactment of this Act.

13 (2) PURPOSE AND DATE OF REINTRODUCTION
14 OF BISON.—In keeping with the historic preservation
15 of the Wilderness Area, small herds of noncommer-
16 cial American bison shall be reintroduced into the
17 Wilderness Area not later than 2 years after the
18 date of the enactment of this Act.

19 (3) MANAGEMENT OF AMERICAN BISON
20 HERDS.—Noncommercial American bison shall be
21 reintroduced into the Wilderness Area not later than
22 2 years after the date of the enactment of this Act.
23 The American bison herds shall be managed by the
24 Secretary in coordination with the Director in ac-
25 cordance with the carrying capacities of each indi-

1 vidual grassland area and excess American bison in
2 the culling process shall be allocated as live animals
3 to the Lakota, Dakota, Nakota, Mandan, Hidatsa,
4 Arikara, Northern Cheyenne, Arapaho, and Sho-
5 shone Indian tribes.

6 (4) APPROPRIATIONS.—The Secretary shall re-
7 quest sufficient appropriations on a yearly basis to
8 provide for the needs of adequately managing the
9 wild American bison herds.

10 (5) HUNTING OF BISON.—The hunting, stalk-
11 ing, harassing, or otherwise endangering the Amer-
12 ican bison shall be prohibited.

13 (g) GRAZING PROHIBITED.—Because many studies
14 have shown, cattle, sheep, or other commercialized animal
15 grazing are detrimental to the health of the natural grass-
16 lands and ecosystems and negatively impact the accom-
17 panying waterways, streams, creeks, and rivers, grazing
18 by cattle, sheep, or other commercialized animals shall be
19 prohibited in the Wilderness Area.

20 (h) BUFFER ZONES.—The Congress intends for the
21 establishment of the Wilderness Area to lead to the cre-
22 ation of protective perimeters or buffer zones around the
23 Wilderness Area. The fact that there may be activities or
24 uses on lands outside the Wilderness Area that would not
25 be allowed in the Wilderness Area shall not preclude such

1 activities or uses on such lands up to the boundary of the
2 Wilderness Area consistent with other applicable laws.

3 (i) ACQUISITION OF LANDS AND INTERESTS.—

4 (1) IN GENERAL.—The Secretary shall request
5 adequate appropriations and may acquire non-Fed-
6 eral owned land and interests in lands located within
7 the exterior boundaries of the Wilderness Area. Such
8 land may be acquired at fair market value under
9 this subsection by exchange, donation, or purchase
10 from willing sellers only.

11 (2) MANAGEMENT.—Land acquired under para-
12 graph (1) shall be managed as part of the Wilder-
13 ness Area.

14 (j) NATIVE AMERICAN USES AND INTERESTS.—

15 (1) PROTECTION OF TRIBAL RIGHTS.—Nothing
16 in this Act shall be construed to affect or modify any
17 treaty or the rights of any Indian tribe or tribal
18 member.

19 (2) ACCESS.—The Secretary shall ensure access
20 to the Wilderness Area by Indian tribes with an his-
21 toric affiliation to the area for traditional cultural
22 and ceremonial purposes. In implementing this sec-
23 tion, the Secretary, upon the request of an Indian
24 tribe, shall temporarily close to the general public
25 the use of one or more specific portions of the Wil-

1 derness Area in order to protect the privacy of tradi-
2 tional cultural and ceremonial activities in such
3 areas by Indian people. Any such closure shall be
4 made to affect the smallest practicable area for the
5 minimum period necessary for such purposes. Such
6 access shall be consistent with the purpose and in-
7 tent of Public Law 95–341 (42 U.S.C. 1996 et seq.;
8 commonly referred to as the “American Indian Reli-
9 gious Freedom Act”).

10 (3) CULTURAL RESOURCES.—The Secretary
11 shall give particular emphasis to the preservation
12 and protection of cultural resources located within
13 the Wilderness Area in accordance with the Archae-
14 ological Resources Protection Act of 1979 (16
15 U.S.C. 470aa et seq.) and the National Historic
16 Preservation Act (16 U.S.C. 470 et seq.). Cultural
17 resources within the protected areas shall be man-
18 aged in coordination with the Director, in consulta-
19 tion with the Indian tribes with an historic affili-
20 ation with the area, and with emphasis on the pres-
21 ervation of resources in the areas for the interpre-
22 tive, educational, and long-term uses of these re-
23 sources.

24 (k) FIRE MANAGEMENT.—Wildland Fire Manage-
25 ment principles will be followed in all fires in the Wilder-

1 ness Area so that vehicular traffic and the use of chemical
2 retardent can be kept to a minimum in order to protect
3 the natural environment to the highest level possible as
4 fire is a natural occurrence.

5 **SEC. 6. MAPS AND LEGAL DESCRIPTIONS.**

6 (a) PREPARATION AND SUBMISSION.—Not later than
7 2 years after the date of the enactment of this Act, the
8 Secretary shall prepare a map and a legal boundary de-
9 scription of the Wilderness Area and submit the maps and
10 boundary descriptions to the Committee on Resources of
11 the House of Representatives and the Committee on En-
12 ergy and Natural Resources of the Senate.

13 (b) FORCE AND EFFECT.—The Map and legal de-
14 scriptions shall have the same force and effect as if in-
15 cluded in this Act, except that the Secretary may correct
16 clerical and typographical errors in the Map and the legal
17 descriptions.

18 (c) PUBLIC AVAILABILITY.—Copies of the Map and
19 the legal descriptions shall be on file and available for pub-
20 lic inspection in the Office of the Chief of the Forest Serv-
21 ice.

22 (d) MAP CONTROLLING.—In the case of a discrep-
23 ancy between the Map and the descriptions, the Map shall
24 control.

1 **SEC. 7. STUDY OF RIVERS FOR ADDITION TO NATIONAL**
2 **WILD AND SCENIC RIVERS SYSTEM.**

3 (a) PURPOSE.—The purpose of the study of the fol-
4 lowing named rivers is to ensure that the wildlife that are
5 indigenous, reintroduced, or restored to the Wilderness
6 Area shall have access to clean drinking water—

7 (1) in a form that is not man-made;

8 (2) in keeping with the goal of the restoration
9 of wilderness

10 (3) that will sustain their future generations;

11 and

12 (4) that will provide an environment for the re-
13 newal of all life forms which originally inhabited
14 these areas, including aquatic life.

15 (b) DESCRIPTION.—

16 (1) Section 5(a) of the Wild and Scenic Rivers
17 Act (16 U.S.C. 1276(a)) is amended by adding at
18 the end the following:

19 “() SHEYENNE RIVER, NORTH DAKOTA.—The seg-
20 ment from its headwaters to the intersection with North
21 Dakota Highway 18.

22 “() LITTLE MISSOURI RIVER, NORTH DAKOTA AND
23 MONTANA.—The segment from its headwaters in Montana
24 and North Dakota to its confluence with the Missouri
25 River.

1 “() CEDAR RIVER, NORTH DAKOTA.—The segment
2 from its headwaters to its confluence with the Cannonball
3 River in North Dakota.

4 “() GRAND RIVER, SOUTH DAKOTA.—The entire
5 river.

6 “() CHEYENNE RIVER, WYOMING AND SOUTH DA-
7 KOTA.—The segment from its headwaters in Wyoming to
8 Wasta, South Dakota.”.

9 (2) Section 5(b) of the Wild and Scenic Rivers
10 Act (16 U.S.C. 1276(b)) is amended by adding at
11 the end the following:

12 “()(A) The study of the Sheyenne River, North Da-
13 kota, the Little Missouri River, North Dakota and Mon-
14 tana, the Cedar River, North Dakota, the Grand River,
15 South Dakota, the Cheyenne River, Wyoming and South
16 Dakota shall be completed and the report submitted not
17 later than 2 years after the date of enactment of this para-
18 graph.

19 “(B) In carrying out the study, the Secretary of Agri-
20 culture shall prepare a map of the watersheds of the
21 Sheyenne River, North Dakota, the Little Missouri River,
22 North Dakota and Montana, the Cedar River, North Da-
23 kota, the Grand River, South Dakota, and the Cheyenne
24 River, Wyoming and South Dakota, and shall develop a
25 recommended management plan for the rivers. The plan

1 shall provide recommendations as to the restoration, pro-
 2 tection, and management of the rivers, including the role
 3 the tribal, State, and local governments, and affected land-
 4 owners should play in the management of the rivers if they
 5 are designated as components of the National Wild and
 6 Scenic Rivers System.

7 “(C) The Secretary shall prepare the study including
 8 the recommended management plan in cooperation and
 9 consultation with the Director and with appropriate tribal,
 10 State, and local governments and affected landowners.”.

11 **SEC. 8. OFFICE OF NATIVE AMERICAN WILDERNESS MAN-**
 12 **AGEMENT.**

13 (a) ESTABLISHMENT.—There is established in the
 14 Department of the Interior the Office of Native American
 15 Wilderness Management.

16 (b) DIRECTOR.—The head of the Office shall be the
 17 Director of Native American Wilderness Management,
 18 who shall—

19 (1) be appointed by the Secretary of the Inte-
 20 rior in consultation with tribal governments of the
 21 Oglala Sioux Tribe, the Rosebud Sioux Tribe, the
 22 Cheyenne River Sioux Tribe, the Lower Brule Sioux
 23 Tribe, the Crow Creek Sioux Tribe, the Yankton
 24 Sioux Tribe, the Flandreau Santee Sioux Tribe, the
 25 Spirit Lake Sioux Tribe, the Sisseton Wahpeton

1 Sioux Tribe, the Standing Rock Sioux Tribe, and
2 the Mandan-Hidatsa-Arikara Nation; and

3 (2) be compensated at a rate not to exceed the
4 rate applicable to level V of the Executive Schedule
5 under section 5316 of title 5, United States Code.

6 (c) FUNCTIONS.—The Director shall—

7 (1) provide the coordination of Federal pro-
8 grams that provide assistance, including financial
9 and technical assistance, to eligible tribal govern-
10 ments for their complete participation in the proc-
11 esses to manage, protect, and restore natural envi-
12 ronments; and

13 (2) upon enactment of this Act, initiate a 2-
14 year study of the Wilderness Area, to be completed
15 by the tribal colleges of the Oglala Sioux Tribe, the
16 Rosebud Sioux Tribe, the Cheyenne River Sioux
17 Tribe, the Lower Brule Sioux Tribe, the Crow Creek
18 Sioux Tribe, the Yankton Sioux Tribe, the
19 Flandreau Santee Sioux Tribe, the Spirit Lake
20 Sioux Tribe, the Sisseton Wahpeton Sioux Tribe, the
21 Standing Rock Sioux Tribe, and the Mandan-
22 Hidatsa-Arikara Nation, to determine the original
23 species which inhabited the grasslands, the present
24 condition of such species, and the steps necessary to
25 restore the remaining species in the Wilderness Area

1 so that the grasslands may manifest their original,
2 natural states as closely as possible.

3 (d) REPORT.—Not later than December 31 of each
4 year, the Secretary of the Interior and the Secretary of
5 Agriculture, in consultation with the Director, shall sub-
6 mit to the Committee on Indian Affairs of the Senate and
7 the Committee on Resources of the House of Representa-
8 tives, a report on the operation of the Office. Each report
9 shall include the following:

10 (1) For the period covered by the report, a
11 summary of the activities conducted by the Sec-
12 retary of the Interior and the Secretary of Agri-
13 culture, acting through the Director, in carrying out
14 this Act.

15 (2) Any recommendations for legislation that
16 the Secretary of the Interior and the Secretary of
17 Agriculture, in consultation with the Director, deter-
18 mine to be necessary to fulfill the requirements of
19 this Act.

20 **SEC. 9. AVAILABILITY OF APPROPRIATIONS.**

21 Amounts appropriated to carry out this Act may re-
22 main available until expended.

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